

MAY 09 2007

Serial No. 10/509,972

Case No. 21111YP

Remarks

Claims 1-15 are pending in this application. By this Amendment, claims 1-15 are amended to more clearly set forth the subject matter therein. Applicants respectfully submit that these amendments address informalities within the claims and clarify the claim language and scope. Support for the amendments to can be found in the specification and claims as originally filed. No new matter is added by these amendments.

In the April 9, 2007, Office Action, restriction of the pending claims under 35 U.S.C. §§121 and 372 into one of the following Groups was required:

Group I: claims 1-9, drawn to a chemical compound and a pharmaceutical composition; and

Group II: claims 10-15, drawn to a method of inhibiting anthrax lethal factor in an infected patient.

The Office Action asserts that the subject matter of the claims of Groups I and II does not relate to a single inventive concept. Specifically, the Office Action asserts that there are no same or corresponding special technical features, because a compound of Formula I in claims 1 and 10 is allegedly known in the art.

In response to the Restriction Requirement, Applicants elect Group I, claims 1-9, with traverse. In particular, the subject matter of Groups I and II have as a common special technical feature the compounds of structural formula I, as set forth in amended claims 1 and 10, and such compounds are not disclosed by the Scozzafava reference. Thus, Applicants respectfully submit that Groups I and II are linked to form a single general inventive concept.

The April 9, 2007, Office Action also included an election of species requirement. Specifically, election was required of a single entity from among each of the following identified species:

- Species A: The various chemical groups of R (see e.g. Claims 1-5);
- Species B: The various chemical groups of R¹ (see e.g. Claims 1-5);
- Species C: The various chemical groups of R^a (see e.g. Claims 1-5); and
- Species D: The various compounds (see e.g. Claims 6-8 and 11-13).

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The Office Action identified claims 1, 6 and 11 as generic. In addition, the Office Action asserts that the listed species do not relate to a single inventive concept. Specifically, the Office Action asserts that there are no same or corresponding special technical features, because the core chemical backbone of the compound of Formula I in claims 1 and 10 is allegedly known in the art.

In response to the election of species requirement, Applicants make the following elections with traverse:

- Species A: R is a C₃₋₁₀heterocycloalkyl group;
- Species B: R¹ is a C₆₋₁₀ aryl group having 2 substituents R^a;
- Species C: R^a each is independently a C₁₋₆ alkyl group or a halogens; and
- Species D: N-hydroxy-2(R)-[(4-fluoro-3-methylphenylsulfonyl)]amino-2-(4'-tetrahydropyranyl)-acetamide.

These elections read on at least claims 1, 2 and 4-15, and at least claims 1, 6, 10 and 11 are generic.

Applicants respectfully submit that Species A-D have as a common special technical feature the compounds of structural formula I, as set forth in amended claims 1 and 10. Structural formula I as set forth in the amended claims are not disclosed by the Scozzafava reference. Thus, Applicants respectfully submit that Species A-D are linked to form a single general inventive concept.

It is respectfully submitted that search and examination of the entire application could be made without serious burden. *See* MPEP §803, in which it is stated that "if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions" (emphasis added). It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicants and duplicative examination by the Patent Office.

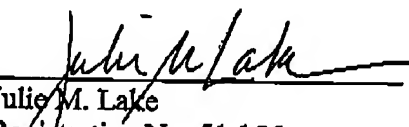
In view of these amendments and arguments, Applicants respectfully submit that this application is in condition for allowance. The Examiner is invited to contact the undersigned at the telephone number set forth below, should he believe that anything further is necessary to place this application in even better form for allowance.

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Please charge Deposit Account No. 13-2755 for any fees due in connection with this Amendment. If any time extensions are needed for the timely filing of this Amendment, Applicants petition for such extensions and authorize the charging of Deposit Account No. 13-2755 for the necessary fees.

Respectfully submitted,

By


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